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Attorneys for Defendants  
PALOMAR MEDICAL TECHNOLOGIES and  
THE GENERAL HOSPITAL CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CUTERA, INC.,

Plaintiff,

v.

PALOMAR MEDICAL TECHNOLOGIES, INC.,  
and THE GENERAL HOSPITAL  
CORPORATION,

Defendants.

Case No.: C 05-2749 CW

**STIPULATION ORDER TO  
POSTPONE CASE MANAGEMENT  
CONFERENCE**

Date: N/A  
Time: N/A  
Courtroom: 2  
Judge: The Honorable Claudia Wilken

**STIPULATION**

Pursuant to Civil Local Rules 6-2 and 7-11, Plaintiff Cutera, Inc. ("Cutera") on the one hand and Defendants Palomar Medical Technologies, Inc. and the General Hospital Corporation (collectively "Defendants") on the other hand, through their respective counsel of record, state as follows:

WHEREAS,

1. By Order dated September 2, 2005 ("the Order"), this Court stayed the instant action pending resolution of Cutera's Motion to Dismiss ("the Motion") in *Palomar Medical Technologies, Inc. and The General Hospital Corporation v. Cutera, Inc.*, Civil Action No. 05-CV-10683-RWZ ("the Massachusetts Action");

2. Pursuant to the Order, a Case Management Conference in the instant action is still on calendar for November 4, 2005;

3. Under Civil L.R. 16-9, as well as Federal Rule of Civil Procedure 26(f), the parties would normally submit a Case Management Statement and a Rule 26(f) report prior to a Case Management Conference;

4. There has been no ruling on Cutera's Motion in the Massachusetts Action;

5. The parties do not know when a ruling might issue in the Massachusetts Action, or what that ruling might be, and therefore do not have sufficient information to prepare and submit a Case Management Statement or a Rule 26(f) report; and

6. The Order permits the parties to stipulate to continue the Case Management Conference date for 60 days if there has been no ruling in the Massachusetts Action by that time.

1                    THEREFORE, Cutera and Defendants NOW STIPULATE AND AGREE to  
2 continue the Case Management Conference date to January 3, 2006, or such other date as the  
3 Court may elect.

4  
5 Dated: November 1, 2005

WEIL, GOTSHAL & MANGES LLP

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8 By \_\_\_\_\_  
                                 JARED BOBROW  
9 Attorneys for Plaintiff  
CUTERA, INC.

10 Dated: November 1, 2005

HELLER EHRMAN LLP

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12  
13 By \_\_\_\_\_ /s/Daniel N. Kassabian  
                                 DANIEL N. KASSABIAN  
14 Attorneys for Defendants  
15 PALOMAR MEDICAL TECHNOLOGIES and  
THE GENERAL HOSPITAL CORPORATION

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17  
18 **ORDER**

19                    PURSUANT TO THE STIPULATION, IT IS SO ORDERED.    **The CMC is**  
20 **continued to 1/6/06 at 1:30 p.m.**

21  
22 Dated: November 1, 2005

/s/ CLAUDIA WILKEN

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24 \_\_\_\_\_  
THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE